

27 October 2023

## **ICO Case Reference IC-261028-J0Z4**

### **Request**

You asked us:

*"I have recently asked two Government Departments to tell me the structure of their senior directors and have received very poor replies which I intend to take further...*

*Could I please have Claudia Berg's staff organogram so that I can see what sort of reply the ICO provides?"*

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

### **Our response**

We hold the information about senior staff to produce organograms. As part of our governance statement a structure chart of the Executive Team as of 31 March 2023 can be found on page 121 of the [ICO annual report 2022-23](#).

The Executive Team is supported in its role by the Senior Leadership Team, which consists of 22 Directors across the organisation. We publish information online about our [decision making structure](#) and [Management board](#).

A [Management agreement 2018-2021](#) has been extended to our sponsor department in government the Department for Science Innovation and Technology (DSIT). On page 18 the agreement outlines the six monthly publication of management information including senior staff salaries and organograms.

As a result, a senior staff organogram of Directors is information intended for future publication. As such it is exempt from disclosure under section 22 FOIA which is explained below.

## **Information withheld**

### **FOIA Section 22**

We intend to publish the information you have requested in future. This means that it is exempt from disclosure under section 22 of the FOIA.

Section 22 states that information is exempt from disclosure in response to an information request if:

*"(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),*

*(b) the information was already held with a view to such publication at the time when the request for information was made, and*

*(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a)."*

This is not an absolute exemption, which means we must consider the public interest in withholding the information.

The factors in favour of disclosing the information are:

- To promote openness and transparency by providing a recent staff organogram showing the structure of Directors.

The factors in favour of withholding the information are:

- The ICO has a history of publishing information about its senior staff and decision making structure on a routine basis. It already includes relevant sections in annual reports and proactively shares information online.
- The ICO is undergoing a period of transformation as a result of the [ICO25 strategic plan](#) including structural change. To consider or prepare organograms for disclosure earlier than an intended date of publication in response to individual requests we receive would not

be an efficient use of resources when we have committed to publish such information in due course anyway.

- Early disclosure is not necessary to satisfy any pressing public interest at the present time.

Having considered these factors, we are satisfied that it is appropriate to withhold the information.

That concludes our response to this information request.

### **Next steps**

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full review procedure [here](#).

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint through our website](#).

### **Your information**

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and sets out your rights.

Our retention schedule can be found [here](#).

Yours sincerely,



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